

## SENATE BILL No. 541

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1-3-17; IC 20-10.1; IC 20-10.2; IC 20-10.3; IC 20-12-70.

**Synopsis:** Academic achievement. Makes various provisions to improve academic achievement and set forth education responsibilities for students in prekindergarten through grade 12. Provides that students whose family income level is up to 300% of the eligibility level for free or reduced price lunch program may be eligible to receive partial scholarships under the twenty-first century scholars program.

**Effective:** July 1, 2003.

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January 23, 2003, read first time and referred to Committee on Education and Career Development.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 541

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-8.1-3-17, AS AMENDED BY P.L.291-2001,  
2 SECTION 111, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) Subject to the specific  
4 exceptions under this chapter, each individual shall attend either a  
5 public school which the individual is entitled to attend under  
6 IC 20-8.1-6.1 or some other school which is taught in the English  
7 language.  
8 (b) An individual is bound by the requirements of this chapter from  
9 the earlier of the date on which the individual officially enrolls in a  
10 school or, except as provided in subsection (h), the beginning of the fall  
11 school term for the school year in which the individual becomes ~~seven~~  
12 ~~(7)~~ **six (6)** years of age until the date on which the individual:  
13 (1) graduates;  
14 (2) reaches at least ~~sixteen (16)~~ **seventeen (17)** years of age but  
15 who is less than eighteen (18) years of age and the requirements  
16 under subsection (j) concerning an exit interview are met enabling  
17 the individual to withdraw from school before graduation; or



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(3) reaches at least eighteen (18) years of age;  
whichever occurs first.

(c) An individual who:

(1) enrolls in school before the fall school term for the school year in which the individual becomes ~~seven (7)~~ **six (6)** years of age; and

(2) is withdrawn from school before the school year described in subdivision (1) occurs;

is not subject to the requirements of this chapter until the individual is reenrolled as required in subsection (b). Nothing in this section shall be construed to require that a child complete grade 1 before the child reaches eight (8) years of age.

(d) An individual for whom education is compulsory under this section shall attend school each year:

(1) for the number of days public schools are in session in the school corporation in which the individual is enrolled in Indiana; or

(2) if the individual is enrolled outside Indiana, for the number of days the public schools are in session where the individual is enrolled.

(e) In addition to the requirements of subsections (a) through (d), an individual must be at least five (5) years of age on July 1 of the 2001-2002 school year or any subsequent school year; to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (g), the governing body of the school corporation shall adopt a procedure affording a parent of an individual who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent of the school corporation for enrollment of the individual in kindergarten at an age earlier than the age that is set forth in this subsection.

(f) In addition to the requirements of subsections (a) through (e), and subject to subsection (g), if an individual enrolls in school as permitted under subsection (b) and has not attended kindergarten, the superintendent of the school corporation shall make a determination as to whether the individual shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (g).

(g) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent of the school corporation under subsection (e).

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(2) Establish criteria by which a governing body may adopt a model assessment which will be utilized in making the determination under subsection (f).

(h) If the parents of an individual who would otherwise be subject to compulsory school attendance under subsection (b), upon request of the superintendent of the school corporation, certify to the superintendent of the school corporation that the parents intend to:

(1) enroll the individual in a nonaccredited, nonpublic school; or

(2) begin providing the individual with instruction equivalent to that given in the public schools as permitted under section 34 of this chapter;

not later than the date on which the individual reaches ~~seven (7)~~ **six (6)** years of age, the individual is not bound by the requirements of this chapter until the individual reaches ~~seven (7)~~ **six (6)** years of age.

(i) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in subsection (b)(2). Each exit interview must be personally attended by:

(1) the student's parent or guardian;

(2) the student;

(3) each designated appropriate school employee; and

(4) the student's principal.

(j) A student who is at least ~~sixteen (16)~~ **seventeen (17)** years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

(1) the student, the student's parent or guardian, and the principal agree to the withdrawal; and

(2) at the exit interview, the student provides written acknowledgment of the withdrawal and the student's parent or guardian and the school principal each provide written consent for the student to withdraw from school.

(k) For the purposes of this section, "school year" has the meaning set forth in IC 21-2-12-3(h).

SECTION 2. IC 20-10.1-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. **(a)** The governing body of each school corporation shall adopt policies to implement the program, based on guidelines established by the department of education.

**(b) Policies adopted under this section must ensure the following:**

**(1) The courses available align with the core 40 curriculum,**

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the technology preparation curriculum, and the academic honors diploma curriculum, and with the college common core 30 curriculum.

(2) The courses are taught by teachers certified to teach in the subject area.

(3) That by the end of grade 12, a student may acquire nine (9) hours of credit in the college common core 30 curriculum.

SECTION 3. IC 20-10.1-16-13, AS AMENDED BY P.L.193-1999, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Beginning with the class of students who expect to graduate during the 1999-2000 school year, each student is required to meet:

(1) the academic standards tested in the graduation examination; and

(2) any additional requirements established by the governing body;

to be eligible to graduate.

(b) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

(c) A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all of the following occur:

(1) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the board under IC 20-10.1-5.7-1.

(2) The student otherwise satisfies all state and local graduation requirements.

(d) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subsection (c) may be eligible to graduate if the student does all of the following:

(1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the

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student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(5) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

(6) Otherwise satisfies all state and local graduation requirements.

(e) This subsection applies to a student who is a child with a disability (as defined in IC 20-1-6-1). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(A) be concurred in by the principal of the student's school; and

(B) be supported by documentation that the student has attained the academic standard in the subject area based upon:

(i) tests other than the graduation examination; or

(ii) classroom work.

(2) The student meets all of the following requirements:

(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for

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graduation by rule of the board.

(E) Otherwise satisfies all state and local graduation requirements.

**(f) A student who does not achieve a passing score on the graduation examination and who does not satisfy the state requirements for graduation may receive a work preparation diploma if the student:**

**(1) satisfies the local graduation requirements; and**

**(2) successfully completes a work skills and knowledge assessment.**

SECTION 4. IC 20-10.2-3-5, AS AMENDED BY P.L.279-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A plan must contain the following components for the school:

(1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.

(2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.

(3) A description and name of the assessments that will be used in the school in addition to ISTEP assessments.

(4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.

(5) A provision to maximize parental participation in the school, which may include access to learning aids to assist students with school work at home, information on home study techniques, or access to school resources.

(6) For a secondary school, a provision to do the following:

(A) Offer courses that allow all students to become eligible to receive an academic honors diploma.

(B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.

(7) A provision to maintain a safe and disciplined learning environment for students and teachers.

(8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

**(c) A plan may include a requirement that the school develop**

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and enter into written compacts with parents and students under IC 20-8.1-14. A written compact under this section may include the following provisions:

(1) A student's parent is responsible for the student's attendance at and participation in the instructional program of the school.

(2) A school may refer a student's parent to the appropriate social or criminal justice agency for the student or parent's failure to comply with the terms of the compact.

SECTION 5. IC 20-10.2-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

**Chapter 8. Commission for Superior Academic Achievement by All Students**

**Sec. 1.** As used in this chapter, "commission" refers to the commission for superior academic achievement by all students established by section 2 of this chapter.

**Sec. 2. (a)** The commission for superior academic achievement by all students is established.

**(b)** The commission consists of thirty-two (32) members appointed as follows:

(1) Eight (8) members appointed by the speaker of the house of representatives as follows:

(A) Four (4) members from the membership of the house of representatives.

(B) Four (4) citizens of the same political party as the speaker.

(2) Eight (8) members appointed by the minority floor leader of the house of representatives as follows:

(A) Four (4) members from the membership of the house of representatives.

(B) Four (4) citizens of the same political party as the minority floor leader.

(3) Eight (8) members appointed by the president pro tempore of the senate as follows:

(A) Four (4) members from the membership of the senate.

(B) Four (4) citizens of the same political party as the president pro tempore.

(4) Eight (8) members appointed by the minority floor leader of the senate as follows:

(A) Four (4) members from the membership of the senate.

(B) Four (4) citizens of the same political party as the

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minority floor leader.

Citizen members must represent education and minority concerns.

(c) The following individuals shall serve as ex officio nonvoting members of the commission:

(1) The governor or the governor's designee.

(2) The lieutenant governor or the lieutenant governor's designee.

(3) The state superintendent of public instruction or the superintendent's designee.

(4) The executive officer of the commission for higher education or the executive officer's designee.

(d) The chairperson of the commission shall be appointed jointly by the:

(1) speaker and minority floor leader of the house of representatives; and

(2) president pro tempore and minority floor leader of the senate;

from the voting members of the commission.

(e) A vacancy of a voting member of the committee shall be filled by appointment of a replacement member for the unexpired term. The president pro tempore of the senate shall appoint a replacement for a senator. The speaker of the house of representatives shall appoint a replacement for a representative.

Sec. 3. A nonlegislative voting member of the commission is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member may be reimbursed for traveling and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration.

Sec. 4. Not later than December 1, 2004, the commission shall make recommendations to the general assembly concerning the following:

(1) The elimination of gaps in the achievement levels of student sociodemographic subgroups.

(2) Improvements beyond proficiency to advanced levels in the state's standards of academic achievement.

Sec. 5. (a) For the period beginning July 1, 2003, and ending December 31, 2004, sufficient funds are appropriated to the commission from the state general fund to administer this chapter.

(b) In addition to the appropriation described in subsection (a), the commission may accept private donations to administer this



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chapter.

(c) The commission may employ any staff necessary to perform the duties imposed by this chapter and may fix the compensation and terms of that employment, subject to approval by the budget agency.

**Sec. 6. This chapter expires December 31, 2004.**

SECTION 6. IC 20-10.3 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

**ARTICLE 10.3. ACADEMIC ACHIEVEMENT AND EDUCATION RESPONSIBILITIES**

**Chapter 1. Definitions**

**Sec. 1.** The definitions in this chapter apply throughout this article.

**Sec. 2.** "Academic standards progress report" refers to a report prepared by a school concerning a student that sets forth the following:

- (1) The student's most recent testing results, including indications or scores by content standard, if applicable.
- (2) The student's grades, if applicable.
- (3) The student's attendance record.
- (4) The student's disciplinary record, including suspensions and expulsions.

**Sec. 3.** "Assessment" refers to one (1) of the following tests, depending upon the context in which the term is used:

- (1) For a student in prekindergarten, a school readiness test approved by the department.
- (2) For a student in kindergarten, an early literacy test approved by the department.
- (3) For a student in grade 1 or 2, a reading diagnostic test approved by the department.
- (4) For a student in grade 3, 4, 5, 6, 7, 8, or 10, a test developed under IC 20-10.1-16.

**Sec. 4.** "Board" refers to the Indiana state board of education established by IC 20-1-1-1.

**Sec. 5.** "Committee" refers to a school's strategic and continuous school improvement and achievement committee established under IC 20-10.2-3-1.

**Sec. 6.** "Department" refers to the department of education established by IC 20-1-1.1-2.

**Sec. 7.** "Level I" has the meaning set forth in IC 20-10.3-3-5.

**Sec. 8.** "Level II" has the meaning set forth in IC 20-10.3-3-5.



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1       Sec. 9. "Level III" has the meaning set forth in IC 20-10.3-3-5.

2       Sec. 10. "Parent" means the parent, guardian, or custodian of  
3 a child.

4       Sec. 11. "Plan" means an academic standards progress plan  
5 developed under IC 20-10.3-3.

6       Sec. 12. "Program" refers to the academic standards assistance  
7 program established under IC 20-10.3-3-1.

8       Sec. 13. "School" refers to:

- 9           (1) a school maintained by a school corporation; or  
10          (2) a charter school.

11       Sec. 14. "Transition grade" means a placement for a student  
12 who has completed an academic year in a grade level but has not  
13 met the academic standards for advancement to the next grade  
14 level.

## 15       Chapter 2. Testing and Reports

16       Sec. 1. (a) This section applies to a student in:

- 17           (1) prekindergarten;  
18           (2) kindergarten;  
19           (3) grades 1 or 2; or  
20           (4) a transition grade between two (2) of the grades set forth  
21 in subdivisions (2) through (3).

22       (b) By September 30 of each year, a student to whom this section  
23 applies shall be administered an assessment that the department  
24 determines is appropriate for the grade in which the student is  
25 placed.

26       (c) Based upon the results of an assessment administered under  
27 subsection (b), a school must develop an academic standards  
28 progress report for each student. An academic standards progress  
29 report under this subsection must include, in language that can be  
30 understood by the student's parent, the following:

- 31           (1) For a student in prekindergarten, an explanation of the  
32 student's school readiness.  
33           (2) For a student in kindergarten, grade 1, grade 2, or a  
34 transition grade, an indication by content standard of whether  
35 the student has mastered or not mastered each content  
36 standard.

37       (d) The principal of a school shall make a reasonable effort to  
38 assure that the parent of each student receives the student's  
39 academic standards progress report within ten (10) days after the  
40 school receives the student's results for a test administered under  
41 subsection (b).

42       (e) A parent shall acknowledge the receipt of an academic

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standards progress report delivered under this section within five (5) days after receiving the report.

Sec. 2. (a) This section applies to a student in grades 3 through 8 or grade 10.

(b) By September 20 of each year, a student to whom this section applies shall be administered an appropriate assessment.

(c) Based upon the results of an assessment administered under subsection (b) that are provided to a school, the school must develop an academic standards progress report for each student. An academic standards progress report under this subsection must include, in language that can be understood by the student's parent, the following:

(1) An indication of whether the student has achieved a passing score on the assessment.

(2) An indication of the scale score difference between the student's score on the assessment and the performance standard score for the assessment.

(3) An indication by content standard of:

(A) whether the student has achieved a passing score for each content standard; and

(B) the proportion of test items relating to each content standard that the student completed correctly.

(d) The principal of a school shall make a reasonable effort to assure that the parent of each student receives the student's academic standards progress report within ten (10) days after the school receives the student's results for a test administered under subsection (b).

(e) A parent shall acknowledge the receipt of an academic standards progress report delivered under this section within five (5) days after receiving the report.

Sec. 3. If a parent provides a school with an electronic mail address to receive and acknowledge receipt of academic standards progress reports under this chapter, the school must treat the electronic mail address as confidential information.

Sec. 4. By December 1 of each year, a teacher shall receive:

(1) the academic standards progress report for the previous academic school year for each student the teacher teaches; and

(2) a report that includes the following information concerning the students the teacher teaches:

(A) The students who achieved a passing score on an assessment administered under section 1 or 2 of this

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chapter by less than .25 standard deviation from the passing score.

(B) The students who did not achieve a passing score on an assessment administered under section 1 or 2 of this chapter.

(C) By grade level and student, the scale score difference between the student's score on an assessment administered under section 1 or 2 of this chapter and the performance standard score.

(D) By grade level and student, the proportion of assessment items related to each content standard on which the student achieved a passing score on an assessment administered under section 1 or 2 of this chapter or the proportion of total points the student received on each assessment item.

**Sec. 5. A school's committee must receive an annual report of the school's readiness, early literacy, or reading diagnostic aggregate mastery rates from assessments administered under section 1 of this chapter and the aggregate assessment results from assessments administered under section 2 of this chapter, as applicable, for each subgroup identified within the school. Subgroups for which results must be reported under this section include the following:**

- (1) Each grade level.
- (2) The racial and ethnic groups within the school, as identified by the department.
- (3) Students who are eligible to receive free or reduced price lunches.
- (4) Students who are designated as English language learners.
- (5) Students who are receiving special education services.

**Sec. 6. (a) The parent of a student who withdraws from a school shall receive a copy of the most recent of the student's academic standards progress report.**

**(b) A school shall transmit a copy of a student's most recent academic standards progress report to another public school if a student who has withdrawn enrolls in another public school.**

**(c) A student academic standards progress report may be maintained and transmitted electronically.**

**(d) A student academic standards progress report:**

- (1) shall be treated as confidential; and
- (2) may be viewed only by the student's parents and the certificated employees of the school in which the student is

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enrolled.

**Chapter 3. The Academic Standards Assistance Program**

**Sec. 1. (a)** The academic standards assistance program is established to provide supplemental instructional activities to improve students' progress toward proficiency in academic standards.

**(b)** The program must be based on the best available research and practice.

**Sec. 2. (a)** The parent of a student who does not:

**(1)** demonstrate mastery of school readiness or reading through an assessment administered under IC 20-10.3-2-1; or

**(2)** either:

**(A)** does not achieve a passing score; or

**(B)** achieves a passing score by less than .25 standard deviation from the passing score;

on an assessment administered under IC 20-10.3-2-2;

must receive an academic standards progress plan for the student that sets forth strategies and recommendations to improve the student's progress towards proficiency in the academic areas tested.

**(b)** A student for whom a plan is developed under subsection (a) and:

**(1)** who is described in subsection (a)(1) or subsection (a)(2)(A) shall; and

**(2)** who is described in subsection (a)(2)(B) may; participate in the program.

**Sec. 3. (a)** A student, the student's parent, and the student's teachers for subject areas in which the student has not achieved a passing score on an assessment shall meet to develop a plan.

**(b)** A meeting under this section is considered an educationally related activity under IC 20-10.1-2-1(b).

**Sec 4. (a)** The parent of a student for whom a plan is developed may elect to not have the student participate in the program.

**(b)** A student's lack of participation in the program may be used as a reason to retain the student in the student's current grade level.

**Sec. 5. (a)** This section applies to a student participating in the program who is described in section 2(a)(2) of this chapter.

**(b)** Except as provided in subsection (c), a student to whom this section applies shall be designated by level to receive assistance based upon the student's performance on an assessment. The levels are as follows:

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(1) Level I: Students whose scores on an assessment fall in a range between:

(A) achieving a passing score by less than .25 standard deviation; and

(B) not achieving a passing score by less than .25 standard deviation;

from the passing score for the assessment.

(2) Level II: Students whose scores on an assessment fall in a range between:

(A) not achieving a passing score by greater than .25 standard deviation; and

(B) not achieving a passing score by less than one (1) standard deviation;

from the passing score for the assessment.

(3) Level III: Students who do not achieve a passing score on an assessment by a score that is greater than one (1) standard deviation from the passing score for the assessment.

(c) A student may be assigned to a level that is not indicated by the student's score on an assessment if in the professional judgment of the student's principal and teacher for the subject area tested an assignment to a different level would be appropriate for the student.

Sec. 6. A student's plan, in addition to other activities, may include the following:

(1) Additional homework.

(2) Tutoring in the following amounts:

(A) For a level I student, two (2) hours per week in each affected subject area for eight (8) weeks.

(B) For a level II student, four (4) hours per week in each affected subject area for sixteen (16) weeks.

(C) For a level III student, four (4) hours per week in each affected subject area for sixteen (16) weeks, and two (2) hours per day in each affected subject area for twenty (20) days during summer school.

(3) For a student in grade 9, grade 10, grade 11, or grade 12, activities that will assist the student in:

(A) carrying out the student's career plan under IC 20-10.1-4.5; and

(B) completing the courses necessary to complete the core 40 curriculum, the college preparation curriculum, the technology preparation curriculum, or the academic honors diploma curriculum.

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1       **Sec. 7. The following apply to tutoring and instruction under**  
 2 **plans:**

3       (1) A student may not be excused or released from a regular  
 4 class in a subject area tested under IC 20-10.1-16 to  
 5 participate in plan activities.

6       (2) A student with a plan may not be grouped for regular  
 7 instruction in a subject area tested under IC 20-10.1-16 with  
 8 only other students who have plans.

9       (3) Tutoring may occur during the regular instructional day,  
 10 before or after school, or on days on which school is not in  
 11 session.

12       (4) Tutoring may not replace regular classes in a subject area  
 13 tested under IC 20-10.1-16.

14       (5) Tutoring in reading must be provided by a teacher  
 15 certified in reading.

16       (6) Tutoring in a subject area tested under IC 20-10.1-16 must  
 17 be provided by a teacher certified in the subject area.

18       (7) Summer school classes in a subject area tested under  
 19 IC 20-10.1-16 must be provided by a teacher certified in the  
 20 subject matter.

21       **Sec. 8. (a) A student may be released from the program if the**  
 22 **student demonstrates proficiency in the subject areas for which a**  
 23 **plan was developed for the student.**

24       (b) Upon the determination of a student's teacher in a subject  
 25 area tested under IC 20-10.1-16 for which the student is  
 26 participating in the program, the student may be reassessed in the  
 27 subject areas in which the student did not demonstrate proficiency.

28       (c) The department shall establish an electronic assessment  
 29 bank. The electronic assessment bank must include assessment  
 30 items that:

31       (1) are aligned with academic standards;

32       (2) assess basic and applied skills under IC 20-10.1-16-5(b);  
 33 and

34       (3) may be used to reassess student proficiencies under this  
 35 section.

36       (d) To the greatest extent feasible, a reassessment under this  
 37 section must be graded electronically.

38       (e) A reassessment under this section is subject to IC 20-6.1-9-3.

39       **Sec. 9. The decision to promote a student to the next grade level**  
 40 **or a transition grade or to retain the student in the student's**  
 41 **current grade level must be based on the following:**

42       (1) The student's performance on assessments or

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reassessments.

(2) The student's performance on other tests.

(3) The student's grades, class work, and homework.

(4) The student's participation in the program, if applicable.

(5) Any other factors considered relevant to the student's academic performance by the student's teacher.

#### **Chapter 4. The Academic Progress Assistance Plan**

**Sec. 1.** This chapter applies to a school in which at least fifty percent (50%) of the students do not:

(1) demonstrate mastery of school readiness, early literacy, or reading standards under IC 20-10.3-2-1; or

(2) achieve passing scores on assessments under IC 20-10.3-2-2.

**Sec. 2.** An academic progress assistance plan may be implemented for a school to which this chapter applies.

**Sec. 3.** To implement an academic progress assistance plan, a school's committee must:

(1) revise the school's strategic and continuous school improvement and achievement plan under this chapter;

(2) specify that it is a goal of the school to become a commendable school under rules adopted by the board; and

(3) make an application to the department.

**Sec. 4.** For a school that includes kindergarten and grades 1 and 2, the school's strategic and continuous school improvement plan must be revised to include the following:

(1) A prekindergarten program for students who are at least four (4) years of age on August 1 that:

(A) may be conducted in partnership with or by incorporating a Head Start program;

(B) complies with standards adopted by the board for child/teacher ratios, curriculum, instruction, and facilities; and

(C) is taught by teachers certified under standards adopted by the professional standards board.

(2) An optional full day kindergarten program for students who are at least five (5) years of age on August 1.

(3) A transition grade program of not more than one (1) school year between kindergarten and grade 1.

(4) A supplemental reading and writing program that includes the following:

(A) For every twenty-five (25) level II and level III students in the school, one (1) reading instructional specialist who:

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- 1 (i) is a teacher certified in reading instruction for the
- 2 ages and grade levels included in the school; and
- 3 (ii) provides supplemental instruction that includes the
- 4 explicit teaching of word identification skills, including
- 5 phonics and phonemic awareness, and a wide range of
- 6 comprehension competencies.
- 7 (B) A schoolwide reading and writing program that
- 8 provides instruction and support for all students to develop
- 9 the skills, knowledge, and abilities to:
  - 10 (i) understand how phonemes are connected to words;
  - 11 (ii) decode words;
  - 12 (iii) spell correctly;
  - 13 (iv) acquire a broad vocabulary;
  - 14 (v) read fluently;
  - 15 (vi) construct meaning from text;
  - 16 (vii) comprehend text; and
  - 17 (viii) write proficiently.
- 18 (C) A family literacy program in which the parents of
- 19 students in the school receive information and support
- 20 about literacy activities that can be practiced at home to
- 21 support the development of reading skills.
- 22 (D) Following an instructional time audit, the
- 23 reorganization of instructional time to prioritize reading
- 24 and writing instruction, if necessary.
- 25 (E) Making books and other printed materials available in
- 26 classrooms and media centers that address a broad range
- 27 of students' abilities and interests.
- 28 (5) The implementation of the primetime plus program for
- 29 kindergarten, grade 1, and grade 2, in which:
  - 30 (A) there is a ratio of students to certified teacher in
  - 31 subject areas tested under IC 20-10.1-16 of fifteen to one
  - 32 (15:1); and
  - 33 (B) instruction is provided by the certified teacher.
- 34 (6) A curriculum audit to determine whether the curriculum:
  - 35 (A) is aligned with Indiana academic standards;
  - 36 (B) uses regular and continuous assessments consistent
  - 37 with IC 20-10.1-16-5(b); and
  - 38 (C) provides for the acquisition of basic skills in addition
  - 39 to higher order thinking skills.
- 40 (7) Subject to both IC 20-5-2 and IC 20-7.5, an increase in
- 41 minimum instructional time of thirty percent (30%) to
- 42 provide supplemental instructional time during the school

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year, including additional partial or full school days.

(8) A latch key program under IC 20-5-2-1.5.

(9) School based health, wellness, and nutrition services, which may be delivered through a collaboration public and private providers.

(10) A home to school technology connection with the following components:

(A) Each teacher in the school must be provided a computer that is equipped to send and receive electronic mail for the teacher's use at home.

(B) Each teacher in the school must be provided with an electronic mail address.

(C) Each student in the school who is eligible to receive a free or reduced price lunch must be provided with a computer for use in the student's home that is equipped:

(i) to send and receive electronic mail; and

(ii) with child protection software.

(D) Upon request, each parent of a student in the school must be provided with an electronic mail address.

(11) Professional development activities under IC 20-1-1-6.5 that provide the following:

(A) The equivalent of ten (10) instructional days for all teachers in the school that focus on the specific curriculum and instructional strategies implemented by the school. Activities conducted under this clause must provide for the school's certificated employees to continuously review and improve the school's curriculum and instruction.

(B) The equivalent of twenty (20) instructional days each school year for thirty-three percent (33%) of the teachers who teach in subject areas tested under IC 20-10.1-16. Activities conducted under this clause must enable the teachers to serve as curriculum and instructional specialists and coaches for the school.

**Sec. 5. For a school that includes grades 3 through 8, or any combination of the grades, the school's strategic and continuous school improvement plan must be revised to include the following:**

(1) A supplemental reading and writing program that includes the following:

(A) For every twenty-five (25) level II and level III students in the school, one (1) reading instructional specialist who:

(i) is a teacher certified in reading instruction for the ages and grade levels included in the school; and

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(ii) provides supplemental instruction that includes the explicit teaching of word identification skills, including phonics and phonemic awareness, and a wide range of comprehension competencies.

(B) A schoolwide reading and writing program that provides instruction and support for all students to develop the skills, knowledge, and abilities to:

- (i) understand how phonemes are connected to words;
- (ii) decode words;
- (iii) spell correctly;
- (iv) acquire a broad vocabulary;
- (v) read fluently;
- (vi) construct meaning from text;
- (vii) comprehend text; and
- (viii) write proficiently.

(C) A family literacy program in which the parents of students in the school receive information and support about literacy activities that can be practiced at home to support the development of reading skills.

(D) Making books and other printed materials available in classrooms and media centers that address a broad range of students' abilities and interests.

(2) The implementation of the primetime II program in which:

(A) there is a ratio of students to certified teachers in subject areas tested under IC 20-10.1-16 of twenty to one (20:1) in grade 3 and grade 4, and instruction is provided by the certified teacher; and

(B) there is a ratio of students to certified teachers in subject areas tested under IC 20-10.1-16 of twenty-four to one (24:1) in grade 5, grade 6, grade 7, and grade 8, and instruction is provided by the certified teacher.

(3) A curriculum audit to determine whether the curriculum:

(A) is aligned with Indiana academic standards;

(B) uses regular and continuous assessments consistent with IC 20-10.1-16-5(b); and

(C) provides for the acquisition of basic skills in addition to higher order thinking skills.

(4) Subject to IC 20-5-2 and IC 20-7.5, an increase in minimum instructional time of at least twenty-five percent (25%) but not more than thirty percent (30%) to provide supplemental instructional time during the school year,

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including additional partial or full school days.

(5) A latch key program under IC 20-5-2-1.5.

(6) A student-family service program conducted by certified counselors and social workers to:

(A) facilitate and assure parental involvement in a student's education; and

(B) coordinate services for a student with social service and criminal justice programs, if necessary.

(7) School based health, wellness, and nutrition services, which may be delivered through a collaboration with public and private providers.

(8) An alternative education program established under IC 20-10.14.6, which may include an educational program for students who are suspended or expelled. Subjects areas that are:

(A) tested under IC 20-10.1-16; and

(B) included in the alternative education program; must be taught by a teacher certified in the subject areas.

(9) A home to school technology connection with the following components:

(A) Each teacher in the school must be provided a computer that is equipped to send and receive electronic mail for the teacher's use at home.

(B) Each teacher in the school must be provided an electronic mail address.

(C) Each student in the school who is eligible to receive a free or reduced price lunch must be provided a computer for use in the student's home that is equipped:

(i) to send and receive electronic mail; and

(ii) with child protection software.

(D) Upon request, each parent of a student in the school must be provided an electronic mail address.

(10) Professional development activities under IC 20-1-1-6.5 that provide the following:

(A) The equivalent of ten (10) instructional days for all teachers in the school that focus on the specific curriculum and instructional strategies implemented by the school. Activities conducted under this clause must provide for the school's certificated employees to continuously review and improve the school's curriculum and instruction.

(B) The equivalent of twenty (20) instructional days each school year for thirty-three percent (33%) of the teachers

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who teach in subject areas tested under IC 20-10.1-16. Activities conducted under this clause must enable the teachers to serve as curriculum and instructional specialists and coaches for the school.

Sec. 6. For a school that includes grades 9 through 12, the school's strategic and continuous school improvement plan must be revised to include the following:

(1) Provisions for tutoring and additional courses in subject areas tested under IC 20-10.1-16 to assist students in achieving a passing score on the graduation examination under IC 20-10.1-16-13.

(2) An accelerated learning program in which a student who achieves a passing score on the graduation examination under IC 20-10.1-16-13 may participate in the postsecondary enrollment program under IC 20-10.1-15.

(3) An extended learning program in which a student may remain enrolled in the school for an additional year to complete the requirements for a core 40 or academic honors diploma.

(4) A supplemental staffing program to ensure the school has enough staff to offer the necessary courses, taught by teachers certified in the subject matter, for students to complete the core 40 curriculum, the college preparation curriculum, the technology preparation curriculum, and the academic honors diploma curriculum. A program under this subdivision may include provisions for cooperative programs with other schools and distance learning.

(5) School based health, wellness, and nutrition services, which may be delivered through a collaboration with public and private providers.

(6) An alternative education program established under IC 20-10.1-4.6, which may include an educational program for students who are suspended or expelled, and in which students may participate until the school year in which the student becomes nineteen (19) years of age. Subjects areas that are:

(A) tested under IC 20-10.1-16; and

(B) included in the alternative education program;

must be taught by a teacher certified in the subject areas.

(7) Professional development activities under IC 20-1-1-6.5 that provide the following:

(A) The equivalent of ten (10) instructional days for all teachers in the school that focus on the specific curriculum

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and instructional strategies implemented by the school. Activities conducted under this clause must provide for the school's certificated employees to continuously review and improve the school's curriculum and instruction.

(B) The equivalent of twenty (20) instructional days each school year for thirty-three percent (33%) of the teachers who teach in subject areas tested under IC 20-10.1-16. Activities conducted under this clause must enable the teachers to serve as curriculum and instructional specialists and coaches for the school.

#### Chapter 5. Funding

##### Sec. 1. The state shall pay for the following:

###### (1) Costs attributable to:

(A) additional programs and staff; and

(B) increases in:

(i) salaries;

(ii) wages; and

(iii) facility maintenance and utilities;

under an academic progress assistance plan under IC 20-10.3-4.

(2) Costs for latch key programs required under IC 20-10.3-4 that are attributable to children whose total household income is less than two hundred percent (200%) of the federal income poverty level.

##### Sec. 2. A school corporation shall pay the following:

(1) Additional transportation costs arising from increasing minimal instructional time under IC 20-10.3-4.

(2) For expanded or improved instructional facilities to implement programs and services under IC 20-10.3-4.

Sec. 3. A school corporation may use money from the capital projects fund to assist the parent of a student who is not entitled to receive a computer for home use under IC 20-10.3-4 in the acquisition of a computer for home use and the acquisition of an electronic mail address.

##### Sec. 4. (a) This section applies to a school that:

(1) has implemented an academic progress assistance plan; and

(2) has improved the school's performance so that more than fifty percent (50%) of the students:

(A) demonstrate mastery of school readiness, early literacy, or reading standards under IC 20-10.3-2-1; or

(B) achieve passing scores on assessments under

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1 **IC 20-10.3-2-2.**

2 (b) A school to which this section applies shall continue to  
3 receive state funding for the programs and services set forth in  
4 section 1 of this chapter for five (5) years after improving the  
5 school's performance to the level set forth in subsection (a)(2).

6 (c) For the sixth and subsequent years after a school has  
7 improved the school's performance to the level set forth in  
8 subsection (a)(2), a school may continue to receive state funding for  
9 the programs and services set forth in section 1 of this chapter at  
10 the following levels:

11 (1) For a school located in a school corporation in the highest  
12 quartile of assessed valuation, as determined by the  
13 department of local government finance, the state shall pay  
14 twenty percent (20%) of the cost of the programs and  
15 services.

16 (2) For a school located in a school corporation in the second  
17 highest quartile of assessed valuation, as determined by the  
18 department of local government finance, the state shall pay  
19 forty percent (40%) of the cost of the programs and services.

20 (3) For a school located in a school corporation in the third  
21 highest quartile of assessed valuation, as determined by the  
22 department of local government finance, the state shall pay  
23 sixty percent (60%) of the cost of the programs and services.

24 (4) For a school located in a school corporation in the lowest  
25 quartile of assessed valuation, as determined by the  
26 department of local government finance, the state shall pay  
27 eighty percent (80%) of the cost of the programs and services.

28 **Sec. 5. (a) This section applies to a school corporation in which**  
29 **no school has implemented an academic progress assistance plan**  
30 **under IC 20-10.3-4.**

31 (b) A school corporation to which this section applies may  
32 increase the school corporation's general fund expenditures to  
33 implement the school improvement plans required under  
34 IC 20-1-1-6.3.

35 (c) The state shall provide funding to school corporations for the  
36 programs and services set forth in a plan under subsection (b) at  
37 the following levels:

38 (1) For a school located in a school corporation in the highest  
39 quartile of assessed valuation, as determined by the  
40 department of local government finance, the state shall pay  
41 twenty percent (20%) of the cost of the programs and  
42 services.

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(2) For a school located in a school corporation in the second highest quartile of assessed valuation, as determined by the department of local government finance, the state shall pay forty percent (40%) of the cost of the programs and services.

(3) For a school located in a school corporation in the third highest quartile of assessed valuation, as determined by the department of local government finance, the state shall pay sixty percent (60%) of the cost of the programs and services.

(4) For a school located in a school corporation in the lowest quartile of assessed valuation, as determined by the department of local government finance, the state shall pay eighty percent (80%) of the cost of the programs and services.

#### **Chapter 6. Miscellaneous Provisions**

**Sec. 1. (a)** This section applies to a school corporation in which at least one (1) school is required to implement an academic progress assistance plan under IC 20-10.3-4.

**(b)** The school corporation shall participate in a coordinated community plan to provide health, nutrition, and early learning services for children from birth to three (3) years of age and their families.

**Sec. 2.** The department shall contract with school corporations or other providers to implement English language learning programs for students and their families who have not achieved fluency in English.

**SECTION 7.** IC 20-12-70-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As used in this chapter, "eligible student" means a student who meets the following requirements:

(1) Is a resident of Indiana.

(2) Is enrolled in grade 8 at a public or an accredited nonpublic school.

**(3) Falls into one (1) of the following categories:**

**(A)** Is eligible for free or reduced priced lunches under the national school lunch program.

**(B)** Has an annual household income that is greater than one hundred percent (100%) but less than two hundred percent (200%) of the household income that would make the student eligible for reduced price lunches under the national school lunch program.

**(C)** Has an annual household income that is greater than two hundred percent (200%) but less than three hundred percent (300%) of the household income that would make

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the student eligible for reduced price lunches under the national school lunch program.

(4) Agrees in writing, together with the student's custodial parents or guardian, that the student will:

(A) graduate from a secondary school located in Indiana that meets the admission criteria of an institution of higher learning;

(B) not illegally use controlled substances (as defined in IC 35-48-1-9);

(C) not commit a crime or infraction described in IC 9-30-5;

(D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) when the eligible student is a senior in high school, timely apply:

(i) to an institution of higher learning for admission; and

(ii) for any federal and state student financial assistance available to the eligible student to attend an institution of higher learning; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

SECTION 8. IC 20-12-70-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) Money in the fund shall be used to provide annual tuition scholarships to scholarship applicants who qualify under section 11(a) of this chapter in an amount that is equal to the lowest of the following amounts:

(1) If the scholarship applicant **is a student described in section 2(3)(A) of this chapter who** attends a state educational institution (as defined in IC 20-12-0.5-1) that satisfies the requirements of subsection (c) and:

(A) receives no other financial assistance specifically designated for tuition and other regularly assessed fees, a full tuition scholarship to the state educational institution; or

(B) receives other financial assistance specifically designated for tuition and other regularly assessed fees, the balance required to attend the state educational institution not to exceed the amount described in clause (A).

(2) If the scholarship applicant **is a student described in section 2(3)(A) of this chapter who** attends a private institution of higher

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education (as defined in IC 20-12-63-3) that satisfies the requirements of subsection (c) and:

(A) receives no other financial assistance specifically designated for tuition and other regularly assessed fees, an average of the full tuition scholarship amounts of all state educational institutions not including Ivy Tech State College; or

(B) receives other financial assistance specifically designated for tuition and other regularly assessed fees, the balance required to attend the college or university not to exceed the amount described in clause (A).

(3) If the scholarship applicant **is a student described in section 2(3)(A) of this chapter** who attends a postsecondary proprietary educational institution (as defined in IC 20-1-19-1) that satisfies the requirements of subsection (c) and:

(A) receives no other financial assistance specifically designated for tuition and other regularly assessed fees, the lesser of:

(i) the full tuition scholarship amounts of Ivy Tech State College; or

(ii) the actual tuition and regularly assessed fees of the institution; or

(B) receives other financial assistance specifically designated for tuition and other regularly assessed fees, the balance required to attend the institution not to exceed the amount described in clause (A).

**(4) If the scholarship applicant is a student described in section 2(3)(B) of this chapter, fifty percent (50%) of the amount a scholarship applicant described in section 2(3)(A) of this chapter would be eligible to receive under subdivision (1), (2), or (3).**

**(5) If the scholarship applicant is a student described in section 2(3)(C) of this chapter, twenty-five percent (25%) of the amount a scholarship applicant described in section 2(3)(A) of this chapter would be eligible to receive under subdivision (1), (2), or (3).**

(b) Each tuition scholarship awarded under this chapter is renewable under section 11(b) of this chapter for a total scholarship award that does not exceed the equivalent of eight (8) semesters.

(c) An institution of higher learning attended by an applicant described in subsection (a) must satisfy the following requirements:

(1) Be accredited by an agency that is recognized by the Secretary

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- 1 of the United States Department of Education.
- 2 (2) Operate an organized program of postsecondary education
- 3 leading to an associate or a baccalaureate degree on a campus
- 4 located in Indiana.
- 5 (3) Be approved by the commission:
- 6 (A) under rules adopted under IC 4-22-2; and
- 7 (B) in consultation with the commission on proprietary
- 8 education, if appropriate.

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